

# HEALING HUMANITY: GLOBAL BIOPOLITICS AND THE SURGICAL STRIKE.

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PAPER PRESENTED AT THE ETHICS OF WAR AND PEACE WORKSHOP  
UNIVERSITY OF CANTERBURY  
JULY 3, 2007

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We should always be skeptical when so-called experts suggest that all a particular crisis calls for is a little surgical bombing or a limited attack. When the 'surgery' is over and the desired result is not obtained, a new set of experts then comes forward with talk of just a little escalation – more bombs, more men and women, more force. History has not been kind to this kind of war-making.

- General Colin Powell, 1992

The resurrection of the concept of just war may be only a symptom of the emergence of Empire, but what a suggestive and powerful one!

- Michael Hardt and Antonio Negri, 2001

## Introduction

In recent academic and military debates over humanitarian intervention and the war on terror, much has been made of the ability of Western forces, particularly those of the United States, to conduct 'clean' or 'surgical' wars. The emphasis on this issue implies acknowledgement of the *jus in bello* dimension of just war theory, with the aim of showing that contemporary wars can be fought in a proportional and precisely-targeted manner, minimising the loss of civilian life. Some proponents of humanitarian intervention argue that this ability to fight in accordance with *jus in bello* norms constitutes a development that should allow for the implementation of a cosmopolitan military force that can take on brutal dictators and defend the human rights of people the world over.

This paper seeks to add some critical theoretical dimensions to contemporary *jus in bello* debates, via an investigation of the sovereignty questions that arise in relation to humanitarian intervention and an analysis of the discourses of just war that have accompanied such interventions. Through an analysis of the terms 'global humanity', 'humanitarian exception', and 'surgical strikes', I aim to show that contemporary just war theory feeds into a biopolitical understanding of the world in

which powerful Western states, led by the United States, claim sovereignty over all 'people' everywhere. What is being claimed, in other words, is that a new 'human' empire is being constructed, and that this development is recognisable in the debates surrounding *jus in bello*. Consequently, the argument will be made that the return of just war theory reflects the impossible dream of forging a peaceful world order under a US-led 'benevolent hegemony', and that this fantasy, held by neoconservatives and liberal internationalists (or globalists) alike, has driven the larger part of Western military activity since the end of the Cold War.

Beyond this initial concern, I will argue that the terms of the debates over *jus in bello* are extremely dangerous, insofar as they seek to give firm moral standing to the use of military force on humanitarian grounds. Thus, as Hardt and Negri have argued:

The traditional concept of just war involves the banalization of war and the celebration of it as an ethical instrument, both of which were ideas that modern political thought and the international community of nation-states had refused (Hardt and Negri 2001, p. 12).

Thus the return of *jus in bello* will continue to broaden the 'legitimate' grounds for the use of force, generating more conflict that is in fact far from 'clean' or 'just'. In the military reconfigurations that have occurred over the post-Cold War period – and particularly since the 9/11 attacks – emphasis has rested upon the need for "lighter" and "more agile" military forces that can undertake "policing" operations against rogue states, human rights abusers and terrorist groups. Following the work of Giorgio Agamben, I will argue that the development of this "global policing" role represents an intention to discipline and control 'humanity', "legitimated by *universal values*," (Hardt and Negri 2001, p. 18) and marked by the production of 'bare life' that may be killed without consequence. The *jus in bello* notion of proportionality is evident in the discourses of "surgical" or "high-tech" war that have accompanied

these changes, maintaining the image of clean Western warfare that is essential to the sustenance of this bid for world supremacy.

### **Global Humanity**

The first issue that must be dealt with in this context is the notion of a 'global humanity'. Can such a community exist? Does it have any basis in political reality? It is well known that the equality of all humans is a central principle for liberal theorists, but what does this mean for contemporary international politics? While it is certainly tempting to argue, in line with the influential Spanish monk Bartolomé de las Casas, that "all mankind is one," a great deal of caution must accompany any attempt to claim that this is indeed the case. Universal human rights, stemming from natural law principles concerning the equality of man, have now become firmly entrenched in the dominant discourses of international politics.

Much of the determination to generate a sense of common humanity sprang from the horror of the Nazi concentration camps of World War Two, leading directly to the reaffirmation of principles of collective security under the auspices of the United Nations. Thus the UN Charter, opening with a preamble that speaks on behalf of "the peoples" of the world, asserts "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small." The Universal Declaration on Human Rights (UDHR) is even clearer in establishing a sense of common humanity, speaking of the "inalienable rights of all members of the human family", as well as addressing the "conscience of mankind" and "the common people." The intention of such declarations is obvious: if we are to avoid the unnecessary infliction of pain and misery upon people then we must act as a single collective. We must, in other words, take full heed of the natural

freedom and equality with which we are all born, regardless of the national borders that divide us.

The formulation is simple enough and the reasons behind it are admirable, but a problem arises when we consider the enforceability of such a principle. Are there universally enforceable laws that match the rhetorical commitment to universal human rights? This, of course, is the question that has been central to the debates over humanitarian intervention that have raged since the end of the Cold War and it goes to the very boundaries of human rights and state sovereignty. For while the UN Charter and the UDHR clearly address humanity as a collective, they remain beholden to the effective law-making and law-enforcement authority of the nation-state signatories themselves. Getting around the 'exclusive jurisdiction' offered by a strict interpretation of the UN Charter (in Articles 2(4) and 2(7) in particular) has been the key problem for those advocates of humanitarian intervention who want to see a move toward the further development of a "rule of law of individuals" that would transcend the anarchical sphere of international relations.

During his time as UN Secretary-General, Kofi Annan stood at the forefront of those who wished to see such a transformation. In 1999, Annan argued that in confronting the humanitarian crises of the post-Cold War era, it was necessary to "find common ground in upholding the principles of the Charter, and acting in defence of our common humanity" (Evans *et al.* 2001, p. 2). Later, in his Millennium Report, Annan repeated the call for a new understanding of sovereignty, asking how we could continue to accept "gross and systematic violations of human rights that offend every precept of our common humanity" (Evans *et al.* 2001, p. 2). This approach was taken up by Tony Blair in his "Doctrine of the International Community" speech in Chicago, made during the bombing of Serbia in April 1999, with the

argument that:

We are all internationalists now, whether we like it or not. We cannot refuse to participate in global markets if we want to prosper. We cannot ignore new political ideas in other countries if we want to innovate. We cannot turn our backs on conflicts and the violation of human rights within other countries if we want still to be secure (Blair 1999).

This 'global humanity' theme runs throughout Blair's subsequent foreign policy approach, most notoriously in the decision to invade Iraq and topple Saddam Hussein (REFS??).

Partly as a consequence of such thinking, as well as in response to the serious issues of international law raised by the NATO attack on Serbia in 1999, much effort has been made to develop a doctrine of 'sovereignty as responsibility', whereby state sovereignty becomes conditional upon respect for fundamental human rights. The call for such a redefinition of sovereignty reached its height with the publication of a report by the International Commission on Intervention and State Sovereignty (ICISS) in 2001, entitled "The Responsibility to Protect." Pointing to the increasing impact of human rights and human security as norms for the regulation of international conduct, the report's authors argue that "sovereignty as responsibility has become the minimum content of good international citizenship." (Evans *et al.* 2001, p. 8). What this entails is the elevation of individual rights above state rights, pushing the (rhetorical) dream of 'global humanity' ever closer to legal recognition.

The attacks of September 11 raised concern amongst some proponents of humanitarian intervention that a strong return to nationalism and strategic self-interest would hinder the development of human rights norms. Thomas Weiss (Weiss 2007, p. 55), for example, has argued that "military overstretch and the prioritization of strategic concerns to the virtual exclusion of humanitarian ones is the sad reality of a post-9/11 world." An argument may be made, however, that such concerns have been

misplaced, as the Bush administration responded consistently and stridently with declarations of universal principles, revolving around the themes of “freedom” and “democracy”, as the foundation stones of the Bush Doctrine. During his address to West Point Military Academy graduates in 2002, for example, George W. Bush clearly argued that the war on terror was for all people in the world, claiming that “moral truth is the same in every culture, in every time, and in every place” (Bush 2002). Thus the “non-negotiable demands of human dignity, the rule of law, limits on the power of the state, respect for women and private property and free speech and equal justice and religious tolerance,” represented the “single surviving model of human progress” (Bush 2002). This message was repeated in the National Security Strategy of 2002, where it was argued that the “values of freedom are right and true for every person, in every society—and the duty of protecting these values against their enemies is the common calling of freedom-loving people across the globe and across the ages” (2002c). At an even more elementary level, the Bush administration has been determined in its use of the title *global* war on terror (or GWOT) when discussing current foreign policy and has always sought to play up the fact that the wars in Afghanistan and Iraq are coalition efforts (Cairo 2006, p. 295), despite the fact that the bulk of the resources and troops are coming from the United States.

These claims concerning a global humanity fighting global wars are indeed appealing, not least because they appear to do away with any potential distinctions between human beings based on race, ethnicity, nationality, or religion that might form the basis of civil conflicts or genocidal abuses. Moreover, the proponents of global humanity in the United States and Britain have consistently repudiated the notion that this represents a form of imperialism. Instead, they argue, collective human interests are being pursued for both the security of themselves *and* the security



of others.<sup>1</sup> But it is precisely at this point of neutrality, where the apolitical spirit of humanity seems so promising, that critics have identified its greatest failings and gravest dangers.

Foremost among these critics is the German legal philosopher Carl Schmitt, who, in critiquing the manner in which liberalism “quite successfully conceals its politics, which is the politics of getting rid of politics” (Dyzenhaus 1997, p. 39), argued that any meaningful system of order had to be founded upon some kind of rupture or transgression that would draw a boundary demarcating a sovereign space. From this perspective, the idea that a particular political community could fight on behalf of a universal principle was ridiculous, representing only a friendly rhetorical mask for imperialist behaviour. The problem, therefore, with the claim that a state (or group of states) could fight a war for humanity was that:

Humanity as such cannot wage a war because it has no enemy, at least not on this planet... When a state fights its political enemy in the name of humanity, it is not a war for the sake of humanity, but a war wherein a particular state seeks to usurp a universal concept against its military opponent. At the expense of its opponent, it tries to identify itself with humanity in the same way as one can misuse peace, justice, progress, and civilization in order to claim these as one's own and deny the same to the enemy (Schmitt 1996, p. 54).

What Schmitt identified was the *impossibility* or *absurdity* of fighting on behalf of humanity, insofar as it denies the quality of humanity to one's political enemies. The

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<sup>1</sup> Tony Blair, for example, has argued that the United States “has no dreams of world conquest and is not seeking colonies” and that “If we can establish and spread the values of liberty, the rule of law, human rights and an open society then that is in our national interests too. The spread of our values makes us safer.” See Blair, T. 1999. The doctrine of the international community: Institute of International Affairs, Saint Petersburg. <http://data.cirp.info/intervention/blair-chicago.html>. A similar argument is central to the Bush Doctrine, including the claim that “America has no empire to extend or utopia to establish. We wish for others only what we wish for ourselves -- safety from violence, the rewards of liberty, and the hope for a better life.” See Bush, G.W. 2002. President bush delivers graduation speech at west point: The White House. <http://www.whitehouse.gov/news/releases/2002/06/20020601-3.html>.

very idea of humanity, in other words, only makes political sense in opposition to something else, undermining its very claim to universality.

In adding a poststructuralist dimension to Schmitt's decisionist theory of sovereignty, which will be discussed further below, Giorgio Agamben has identified the clearly dualistic nature of any conception of 'humanity' or 'the people'. In his highly influential book *Homo Sacer: Sovereign Power and Bare Life*, Agamben deconstructs the idea of 'the people' as it has emerged and developed in Western politics. What he finds is that the collective 'people' "is the pure source of every identity but must, however, continually be redefined and purified through exclusion, language, blood, and land" (Agamben 1998, p. 178). The exclusions that this definition requires, therefore, tend toward violence, the gravest example of which is the Nazi attempt to exterminate Jews, Gypsies, the mentally ill, and homosexuals during World War Two. "In this sense," Agamben argues:

our age is nothing but the implacable and methodical attempt to overcome the division dividing the people, to eliminate radically the people that is excluded. This attempt brings together, according to different modalities and horizons, Right and Left, capitalist countries and socialist countries, which are united in the project – which is in the last analysis futile but which has been partially realized in all industrialized countries – of producing a single and undivided people (Agamben 1998, p. 179).

My contention is that the current redefinition of 'the people', as 'global humanity', marks the political attempt to transcend state borders and demarcate a sovereign territory that encompasses the entire globe. The potential violence of the global war on terror, so vividly demonstrated in Afghanistan and Iraq, must be understood, in this context, as a attempt at generating a utopian and universal community which will continue to produce futile acts of violence (Agamben 1998, p. 178). Consequently, any resistance to the violence of a new global sovereignty must be founded upon close

attention to the terms upon which these transformations of international/global politics are based. Central to the attempted extension of Western sovereignty to the entire globe are the discourses of 'the humanitarian exception' and the 'surgical strike', to which I now turn my attention.

### **The Humanitarian Exception and Global Sovereignty**

The idea of a 'humanitarian exception' relates directly to the preceding discussion insofar as it defines the point at which the protections offered by 'traditional' or 'Westphalian' state sovereignty may be suspended for the protection of human rights via military intervention. The exception, in this sense, suspends the *jus cogens* norm of international law that protects the sovereign space of nation-states against outside interference.

A variety of versions of the 'humanitarian exception' argument may be seen in the academic debates surrounding the intervention in Serbia in 1999 where, despite fundamental disagreement over the *formal* legality of military action, there was almost uniform acceptance of the *moral* legitimacy of the NATO action on the part of international legal scholars (See, for example, Franck 2003). At one end of the spectrum, some conservative international lawyers, such as Bruno Simma {, 1999 #191}, made the argument that while there was no doubt that the NATO action against Serbia was illegal under the UN Charter, it could be supported for other moral or ethical reasons. Writing in the lead-up to the NATO attack, after methodically spelling out the illegalities involved in the intervention, Simma argued that:

The lesson which can be drawn from this is that unfortunately there do occur 'hard cases' in which terrible dilemmas must be faced and imperative political and moral considerations may appear to leave no choice but to act outside the law. The more

isolated these instances remain, the smaller will be there potential to erode the precepts of international law, in our case the UN Charter (Simma 1999, p. 22).

The Kosovo situation, according to Simma, was one such case which should be allowed as an exception to the rule, but (and this is an argument that was formally put forward by the German and Belgian governments and implicitly by Madeleine Albright (Albright 1999; Cassese 1999, p. 798; Simma 1999, p. 213)) under no circumstances could it become a fixed rule or precedent for future international action (Simma 2002, p. 131).

Others argued that a period of transformation was under way, creating a new customary international norm which would allow collective humanitarian intervention in an emergency situation, even when the Security Council was not prepared to authorise such action. From this perspective, Antonio Cassese (Cassese 1999, p. 791) argued that while such a customary rule did not yet exist, there was a clearly discernible trend toward a law which “would legitimize the taking of forcible countermeasures by groups of states in the event of failure of the United Nations Security Council to authorize the use of force in response to gross, systematic and large-scale breaches of human rights amounting to egregious crimes against humanity”. Cassese (1999, p. 799) was careful, however, in his qualification regarding the current status of such a rule, arguing that:

It should be clear... that the rule, given that it is still in the process of crystallizing, cannot but constitute a fallback solution for cases where inaction would be utterly contrary to any principle of humanity.

Thus, while Simma sees humanitarian intervention as an exception to a firm and ongoing principle of sovereign immunity, Cassese presents it as a ‘fallback position’ in a period of legal transformation.

In concert with these arguments, Michael Glennon (Glennon 1999, p. 5) advocated the abandonment of the formal right of sovereign immunity in favour of an 'improvised' approach, based on a moral understanding of "international justice" which "can in fact be pursued ad hoc, *without a fully functioning legal system.*" In a clear (though unstated) acknowledgement of the central role of natural law or natural reason, Glennon insists on the rational and universal validity of his principles of 'non-legal' justice. Once these principles of justice have been legitimated through acceptance "throughout the community of nations," he argues, then a new international law will have emerged which will have no shame at "alienating the disorderly" in order to construct "a more orderly world" (Glennon 1999, p. 7).

These arguments, far from being diluted in the context of the war on terror, have in fact reached a new intensity. A more radical approach is suggested in an article by Lee Feinstein and Anne-Marie Slaughter, who argue that "the biggest problem with the Bush pre-emption strategy may be that it does not go far enough" and that the US should feel free to treat rogue states in an unequal manner, as they have already sacrificed their rights to sovereign immunity through poor behaviour. Whilst focusing more on nuclear non-proliferation than humanitarian issues, the authors have clearly and consciously drawn on the idea of a humanitarian exception in arguing that states such as Iran and North Korea "are not entitled to the same rights" as other parties to the Non-Proliferation Treaty (Feinstein and Slaughter 2004).

Similar arguments have appeared throughout the literature on humanitarian intervention, and particularly in the works of Fernando Tesón (Tesón 1992; 2003), Geoffrey Robertson (Robertson 1999), Thomas Weiss (Weiss 1999; 2007), Thomas Franck (Franck 2003), Anne-Marie Slaughter (2004), and Michael Ignatieff (2002; Michael Ignatieff 2003). Yet the important question as to how this 'humanitarian

exception' could be objectively (or lawfully) determined – that is, who the 'right authority' for determining the exception is – remains somewhat obscured. This is a key issue in this context, as it is clearly the party that decides upon the humanitarian exception that can be seen as making a claim for global sovereignty. It should come as little surprise, then, that the majority of those writing in favour of the humanitarian exception make the claim that while multilateralism via the UN is preferable, if this fails then another state or group of states should be entitled to carry out interventions themselves. There is, in other words, a slippage in much of the interventionist literature from multilateralism to unilateralism, and this cuts across the spectrum from neo-conservatives to 'progressive' liberals (Smith 2007, p. 176).

The ICISS Report of 2001, for example, gives the UN Security Council a lead role in making such determinations, but then warns that:

if it fails to discharge its responsibility to protect in conscience-shocking situations crying out for action, concerned states may not rule out other means to meet the gravity and urgency of that situation – and that the stature and credibility of the United Nations may suffer thereby (Evans *et al.* 2001, p. xiii).

An even more strident version of this argument was put forward by Geoffrey Robertson in 1999, with the argument that “superpower irresponsibility underlines the necessity for an international law principle permitting intervention in a humanitarian emergency, if need be without the unanimous support of permanent members of the Security Council” (Robertson 1999, p. 411). Robertson then went on to propose the formation of a “global NATO” that could act against human rights abusers and which would only be composed of “parliamentary peoples” (Robertson 1999, p. 447). A similar case has been made by Michael Ignatieff who, in an article entitled “The Burden,” suggests that the new American imperialism requires the United States to be “multilateralist when it wants to be, unilateral when it must be” (Michael Ignatieff

2003). Likewise, Feinstein and Slaughter, whilst recognising that the power of decision is a “contentious issue,” establish a progression from the Security Council (which has a “propensity for paralysis”), to regional organisations, to other regional organisations (“such as NATO”) to “unilateral action or coalitions of the willing” after all the prior options have been exhausted (Feinstein and Slaughter 2004, pp. 148-49). Ultimate judgement, therefore, may be made by the United States, as the greatest liberal-democratic power in the world, or, as Madeleine Albright argued in 1998, “If we have to use force, it is because we are America. We are the indispensable nation. We stand tall, and we see further into the future (Smith 2007, p. 163). What is effectively achieved, according to Tony Smith, is the “juridical blessing of progressive liberal imperialism” (Smith 2007, p. 172).

So what is wrong with this formulation of the ‘humanitarian exception’? Why shouldn’t powerful Western states use their military force to confront ‘evil’ in the world? For a critical response to these questions we can again turn to Carl Schmitt (Schmitt 1985, p. 5) and his theory that “sovereign is he who decides upon the exception.” The exception, in this instance, refers to “any kind of severe economic or political disturbance that requires the application of extraordinary measures.” This power to suspend constitutional arrangements, therefore, indicates the power to determine the limits of the nation-state, to determine what lies inside and outside of the political community. Schmitt was referring to the sovereign power of states at the time of writing, but there are good reasons why his ‘decisionist’ definition of sovereignty can and should be applied to the analysis of contemporary global politics. On the most basic level, one might suggest that the humanitarian exception, as determined and exercised by ‘coalitions of the willing’ under US leadership, represents a declaration of sovereign power by those states as ‘right authorities’ that

can legitimately suspend international law and implement emergency measures as they see fit. As Hardt and Negri argue, “here... is born, in the name of the exceptionality of the intervention, a form of right that is really a *right of the police*” (Hardt and Negri 2001, p. 17). Hence, the common understanding of the United States as a ‘global policeman’ takes on extra significance in that it indicates the development of a new (global) sovereign authority.

To this mix we can again add the work of Giorgio Agamben (Agamben 2005, p. 3), who has argued that a ‘state of exception’, “in which law encompasses living beings by means of its own suspension,” has reached “its maximum worldwide deployment” (Agamben 2005, p. 87) in contemporary times. The ability to exercise such power is, as for Schmitt, the marker of real sovereign power. Furthermore, it is a process, Agamben argues, that has a distinctly biopolitical connotation, in that it claims to exercise violence against people for the protection of ‘the people’. The suspension of the law, therefore, leads to the production of ‘bare life’, that “may be killed but not sacrificed” (Agamben 1998, p. 114). Agamben cites the non-status of Guantanamo Bay detainees (“entirely removed from the law and from judicial oversight”) as prime examples of the bare life produced under a state of exception, an example that he can only compare to the Nazi death camps of World War Two (Agamben 2005, pp. 3-4).

Most importantly, this increasing reliance on the exercise of emergency powers under a state of exception is seen by Agamben to be “leading the West toward global civil war.”<sup>2</sup> While this notion of a “global civil war” is not explored at any great length in *State of Exception*, I think it is fair to argue that the battle lines in such a war would take us back to the idea of global humanity, in opposition to those

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<sup>2</sup> Agamben, G. 2005. *State of exception*. Chicago: The University of Chicago Press.



rogues, barbarians, and terrorists that threaten it. Using Agamben's formulation, we can argue that the opponents of humanity become, with the suspension of their sovereign or human rights, legitimate targets for arbitrary imprisonment, torture, or killing. Thus, in the production of a (Western) global sovereignty, bare life is produced under a state of exception. In this way, humanitarian interventions may be understood as obtaining their justification via a biopolitical reasoning, precisely because they aim to 'heal humanity', to protect human rights, to alleviate suffering, and to create a more peaceful world order. Agamben alludes to this toward the end of *Homo Sacer*, where he identifies "military interventions on humanitarian grounds, in which war efforts are carried out for the sake of biological ends such as nutrition or care of epidemics,"<sup>3</sup> as being sites for the production of bare life.

This understanding of humanitarian interventions as battles in the emergence of a global 'Empire', has also been identified by Hardt and Negri. In the opening chapter of *Empire*, they argue that:

This kind of continual intervention, then, which is both moral and military, is really the logical form of the exercise of force that follows from a paradigm of legitimation based on a state of permanent exception and police action. Interventions are always exceptional even though they arise continually; they take the form of police actions because they are aimed at maintaining an internal order. In this way intervention is an effective mechanism that through police deployments contributes directly to the construction of the moral, normative, and institutional order of Empire.<sup>4</sup>

Thus we might say that humanitarian interventions represent the frontiers for the establishment of a common humanity, through which Western powers seek to "administer life" on a global scale. Or, in other words, "The source of imperial normativity is born of a new machine, a new economic-industrial-communicative

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<sup>3</sup> ---, 1998. *Homo sacer: Sovereign power and bare life*. Stanford, CA: Stanford University Press.

<sup>4</sup> Hardt, M. and A. Negri. 2001. *Empire*. Cambridge, MA: Harvard University Press.

machine – in short, globalized biopolitical machine.”<sup>5</sup> It then becomes necessary for the global sovereign to act in such a way that threats to the health of the global body are eliminated, and it is at this point that we confront the imperialism of just war theory once again, in the guise of the ‘surgical strike.’

### **Surgical Strikes**

The administration of global life through the suspension of international law and the implementation of violent emergency measures is as evident in the *jus in bello* of contemporary just war theory as it is in the *jus ad bellum* of the humanitarian exception. From the 1991 Gulf War onwards we have been increasingly exposed to the just war language of proportionality, as exemplified in terms such as ‘clean war’, ‘precision targeting’, ‘collateral damage’ and, most tellingly, the ‘surgical strike’. It is clear that there is a biological metaphor at play here, pointing us back toward a biopolitical analysis, as those who wish to convince ‘humanity’ of the virtue and need for certain interventions portray their military activities as being ‘surgical’ in nature; that is, removing a contaminant or disease from the body in order to ensure good health into the future.

During the war against Iraq in 1991, this image was projected through an emphasis on the use of ‘smart bombs’, upon which the viewer was able to travel right in to the target, witnessing their lethal precision up close.<sup>6</sup> As the 1990s progressed and calls for humanitarian interventions intensified, these technologies became ever more vital to the pro-war message. Just war theory, identified by Hardt and Negri as a “powerful and suggestive” indicator of the return of Empire, became a focal point for

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<sup>5</sup> Ibid.

<sup>6</sup> The ‘virtuality’ of the first Gulf War was the subject of Jean Baudrillard’s critique of practices of ‘simulation’ in contemporary warfare. See Baudrillard, J. 1995. *The gulf war did not take place*. Bloomington: Indiana University Press.

debates over the interventions in Somalia, Bosnia and Kosovo, as well as the missile strikes against Iraq and Sudan in 1998. If we identify the aim of Western powers as being in the interests of 'global humanity', then it becomes easier to understand why so much emphasis is placed upon 'proportionality' as a key issue in determining the justice of humanitarian interventions and this, in turn, leads us to more fully grasp the importance of military transformation in recent years. The speed with which these changes have taken effect has engendered the wide use of the term "Revolution in Military Affairs" (RMA).<sup>7</sup> The RMA is seen as a consequence of advances in global networking that have fundamentally altered (and will continue to transform) the way we live and the way we fight wars. According to one advocate of this revolution, "What you're seeing is the restructuring of society with the information age."<sup>8</sup> It is no surprise, then, that the "revolution in military affairs" coincides with what George W. Bush has described as a "global democratic revolution."<sup>9</sup>

More to the point, the biopolitical dimensions of recent interventions and invasions are clearly served by the restructuring that has been under way in all Western military forces over the recent years.<sup>10</sup> A 2005 publication from the US Department of Defense, entitled *Facing the Future*, gives a good overview of the changes. The most pronounced element of US military transformation is the desire to construct a "lighter", "faster", "more agile" military that is "able to move forces

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<sup>7</sup> For discussions of the impact of the RMA see, for example, Cohen, E.A. 2004. Change and transformation in military affairs. In *Journal of Strategic Studies*, 395-407, Morgan, P.M. 2000. The impact of the revolution in military affairs. In *Journal of Strategic Studies*, 132-, Stone, J. 2004. Politics, technology, and the revolution in military affairs. In *Journal of Strategic Studies*, 408-27.

<sup>8</sup> Der Derian, J. 2001. *Virtuous war: Mapping the military-industrial-media-entertainment network*. Boulder CO: Westview Press.

<sup>9</sup> See Barbash, F. 2003. Bush: Iraq part of 'global democratic revolution'. In *The Washington Post*. Washington D.C.

<sup>10</sup> These debates over restructuring, and particularly over the formation of "rapid response" units, have taken place in the context of the European Union, NATO, Japan, Australia and New Zealand defence policy discussions. All have revolved around the idea that the chief use of the military into the future will be for humanitarian purposes or for limited battles against rogue states or terrorist cells. The notion of "interoperability" with US forces has also been central to forward planning.

rapidly across the globe” to counter a threat from “rogue regimes and extremist cells.”<sup>11</sup> A key element in achieving these goals is to “take precision targeting to a new level...[focusing] resources on persistent surveillance, both manned and unmanned.”<sup>12</sup> Citing “the need for precision in a cluttered battle space”, the report boasts that “Where once millions of tons of ordnance levelled entire cities, today smart bombs and real-time targeting destroy strongholds while limiting civilian casualties and collateral damage.”<sup>13</sup> Thus, the US military is now able to strike at “pin-point targets as small as an individual terrorist” and “conduct risky missions without risking human lives.”<sup>14</sup> These technological changes are occurring, according to *Facing the Future*, as a part of a “global struggle”, carried out by a “global coalition”, to be known as the “global war on terror” (or GWOT for short). It is a war that is “global rather than regional” and “waged not against nations but networks.”<sup>15</sup> The attack on Afghanistan is thus rendered as a swift and effective blow against “the nerve centre” of modern terrorism,<sup>16</sup> with the aim of “rooting out terrorists and their networks.”<sup>17</sup> It is also interesting to note the stress that is placed on the “humanitarian” work that the military does. It is, so the message runs, not just capable of destroying evil, but also of promoting the health of the global citizenry through the provision of aid and medical assistance to the suffering.<sup>18</sup>

It is in this context that the repeated articulation of medical metaphors provides us with even more graphic evidence of the biopolitical nature of the GWOT. These narratives have followed a familiar path throughout the 1990s – with particular

<sup>11</sup> Office of the Assistant Secretary for Public Affairs. 2005. *Facing the future: Meeting the threats and challenges of the 21st century*. Washington DC: United States Department of Defense.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> The report cites the example of aid provision during the bombardment of Afghanistan: Ibid.

reference to Slobodan Milosevic<sup>19</sup> - and up to the present day, beginning with the identification of the “cancer” on humanity that needs to be eradicated, followed with a number of “non-invasive” treatments such as sanctions and diplomatic pressure, and finalised with “surgical strikes.” We might say that this process leaves wounds that are then covered over with a generic band-aid of “democratisation”. A 2002 editorial in *The Bangkok Post* on the Iraq situation put the matter very clearly:

If the world is a body, Iraq is a cancer. Various treatments are possible against the disease. Serious cancers, if identified early enough, can be excised by careful, planned surgery. Others may be treated more gently. Mr Bush has taken the holistic approach so far, encouraging Iraqis to choose their own leaders. An invasive operation can remove the cancer, but puts Iraq itself at risk.<sup>20</sup>

Then chairman of the House of Representatives Select Intelligence Committee, Porter Goss, chose the same metaphor, arguing that Saddam Hussein was “a little bit like cancer” and that “when you know you’ve got a malignancy it’s better to get at it sooner rather than later.”<sup>21</sup> The now-disgraced Tom DeLay built on this, saying that America could “not stand idle as the cancer of Saddam’s brutal regime metastasizes and threatens our interests.”<sup>22</sup> As the invasion grew closer, Bush himself labelled Hussein a “cancer inside Iraq,”<sup>23</sup> while after invasion Colin Powell claimed it was the role of the US military to “root out the cancer”<sup>24</sup> of Saddam Hussein’s leadership. Senate majority leader Bill Frist described the invasion as “a vaccination for the

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<sup>19</sup> See, for example, Gellman, B. and R.J. Smith. 1999. The balkans: Us, allies face a host of hurdles in finding a cure for europe's 'cancer'. In *The Washington Post*, A21. Washington DC, Hitchens, C. 2001. Metastasis in macedonia. In *The Nation*, 9.

<sup>20</sup> 2002d. Studying an iraq cancer operation. In *The Bangkok Post*, 2. Bangkok.

<sup>21</sup> 2002b. Key lawmaker says us must deal with saddam: Reuters News.

<sup>22</sup> 2002a. Delay praises president's strong moral leadership; urges bipartisan support for liberating iraq: US Newswire.

<sup>23</sup> Loven, J. 2003. Bush ratchets up rhetoric against saddam: Associated Press.

<sup>24</sup> 2003. Policing the peace - security and authority are iraq's needs now. In *The Times*, 17. London.

world.”<sup>25</sup> But perhaps none captured the surgical spirit of contemporary just war as well as a former British SAS Chaplain, who was reported as saying that:

Most people see weapons as abhorrent, but a knife can be a weapon one moment and a surgical instrument in another... although violence in itself is horrendous and to be avoided, when it is properly directed it is excusable. In Iraq we see something that is eating the country, destroying lives, and is a potential threat of infection to the rest of the world. The whole military endeavour is to remove it surgically.<sup>26</sup>

The genuine belief in the ‘cleanliness’ and precision of the Iraq war is evident in a recent *Foreign Affairs* article by Colin Kahl. In exploring the idea of non-combatant immunity in the context of the wars in Afghanistan and Iraq, Kahl accepts the claims of US leaders that they are doing everything in their power to minimise harm to civilians, stating that:

In January 2002, Secretary of Defense Donald Rumsfeld said of the U.S.-led campaign in Afghanistan, “I can't imagine there's been a conflict in history where there has been less collateral damage, less unintended consequences.” More recently, the chairman of the Joint Chiefs of Staff, General Peter Pace, asserted that “no armed force in the world goes to greater effort than our armed force to protect civilians and to be very precise in the way we apply our power.” Judging by three key markers -- the level of civilian casualties, the conduct of U.S. forces during operations, and the military's response to instances of non-compliance -- the actions of U.S. forces in Iraq have largely matched the rhetoric of their leaders.<sup>27</sup>

Kahl goes on to praise the practice of “weaponeering” by the US military, in which “the most specifically tailored type and quantity of weapon” is selected “to produce a desired effect,” which always means paying heed to reducing “risk to civilians.”<sup>28</sup> He also gives implicit praise to the fact that the US military ‘cleared’ Fallujah prior to a

<sup>25</sup> Frist, B. 2003. When war is the best medicine. In *The Washington Post*, B07. Washington DC.

<sup>26</sup> Wavell, S. 2003. Muscular christianity comes to the aid of the army. In *The Sunday Times*. London.

<sup>27</sup> Kahl, C. 2006. How we fight. In *Foreign Affairs*, 83-101.

<sup>28</sup> Ibid.

“massive” offensive in November 2005, thus limiting civilian casualties.<sup>29</sup> After running through the approximations of civilian deaths in Iraq, numbering in their tens of thousands since 2003, Kahl concludes that:

a careful review of U.S. conduct during the Iraq war reveals no broad pattern of systematic civilian victimization by U.S. forces. U.S. compliance with non-combatant immunity in Iraq has been higher than critics often assert, and adherence has increased over time as the U.S. military has tried to correct its procedures in reaction to instances of non-compliance. Observed through the narrow lens of the laws of war, the U.S. military has gone to commendable lengths to comply with the principles of distinction and proportionality in Iraq.<sup>30</sup>

The need for clean wars makes a lot of sense if we again return to the notion of global sovereignty or the ‘global civil war’. It has been a recurring pattern in Western warfare to always emphasise the fact that “we have no quarrel” with the inhabitants of the target state. Indeed, Woodrow Wilson, the great champion of American leadership in the world, used this very phrase in relation to the German citizenry during World War One,<sup>31</sup> and it has been frequently used in the context of humanitarian intervention and the war on terror by leaders on both sides of the Atlantic. This squares with the idea of global humanity versus tyrants, terrorists and despots who seek to undermine the path to democracy, freedom, and peace. Under these conditions, ‘the people’ are to be protected, while the evil is surgically removed. As Heriberto Cairo argues:

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<sup>29</sup> On Fallujah, Kahl argues that “The second offensive, in November 2005, was massive. Between 10,000 and 15,000 troops assaulted the city, damaging or destroying 18,000 of the city's 39,000 buildings. Before attacking, however, marine and army forces surrounded Fallujah and launched an extensive information campaign urging residents to leave. Military and media estimates suggest that at least 250,000 of Fallujah's 280,000 inhabitants fled in advance of the onslaught.” Ibid. It is interesting to note that such a practice was roundly condemned when used by the Serbian military against Kosovar Albanians in the late 1990s.

<sup>30</sup> Ibid.

<sup>31</sup> Quoted in Knutsen, T.L. 1997. *A history of international relations theory*. 2nd ed. Manchester; New York: Manchester University Press.

Since the end of the Cold War, the elimination of the dangerous bodies is effected through “clean” strikes, with only “co-lateral” damage, and it has perhaps allowed an even stronger use of biopolitical arguments in the micronarratives of relevant political actors.<sup>32</sup>

This, then, is the role of the global policeman in contemporary international relations. The *jus in bello* rules that guide the conduct of the policeman represent and reinforce the desire to do good, not just for the Western citizen, but for all the (good) people of the world who are capable of *learning* the civilised ways of the West. Such a discourse can only be sustained through the repeated articulation of clinical metaphors that promote a sense of adherence to principles of universal justice and the promotion of bodily health. Thus, “As Thucydides, Livy, and Tacitus all teach us (along with Machiavelli commenting on their work), Empire is formed not on the basis of force itself but on the capacity to present force as being in the service of right and peace.”<sup>33</sup> The formation of a global sovereignty, in other words, depends upon the discursive deployment of the surgical strike.

### **The Human Empire?**

Two questions seem to follow from the preceding analysis: Can Western powers, led by the United States, sustain and perhaps even complete their project for a universal liberal-democratic order, a community of global humanity? And is such an order (or empire) even desirable?

On the first question, the current state of the war on terror offers a good indication that the attempt to grasp a global sovereignty remains well beyond reach. Immediately after the September 11 attacks, the French Newspaper *Le Monde* ran an

<sup>32</sup> Cairo, H. 2006. The duty of the benevolent master: From sovereignty to suzerainty and the biopolitics of intervention. In *Alternatives*, 285-311.

<sup>33</sup> Hardt, M. and A. Negri. 2001. *Empire*. Cambridge, MA: Harvard University Press.



(in)famous editorial headline reading “*Nous somme tous Américains*” (“We are all Americans now”). At the time the sentiment was widely appreciated and accepted, signalling a global accord and solidarity with the suffering American population. This sense of unity was reinforced in the following months as the war against Afghanistan began with unprecedented global support, to the extent that the absence of Security Council authorisation for the attacks has largely been ignored. More than five years on, however, the tide has turned. Indeed, it is becoming clear that supporters of the global war on terror are now in a minority even in the United States, with even lower levels of support in most other parts of the world.<sup>34</sup>

The violent mess that now exists in Iraq is the primary reason for this fading of global will. There was no widespread acceptance of the rationale for the ‘liberation’ of that country even before invasion, and the failure to establish even a semblance of peace in the four years since has only added to the dissent. In the meantime, two of the chief architects of that war, Donald Rumsfeld and Paul Wolfowitz, have been driven from their respective posts as Secretary and Deputy Secretary of Defense and the Republican Party has lost its majority in both the House of Representatives and the Senate. Across the Atlantic, Tony Blair has just ended his decade in power, robbing the war on terror of another of its most prominent and powerful spokesmen. Afghanistan has also fallen into further disarray and insecurity, without any near-term prospect of pacification.

So, has the “global democratic revolution” fizzled out? Does the passing of the neo-conservatives from the halls of power in the United States signal the end of the US bid for world supremacy? The answer to this question must be an emphatic “no.” As Tony Smith has lucidly demonstrated in his recent book *A Pact with the*

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<sup>34</sup> See, for example, Sachdeva, S.D. 2007. Us image bad, getting worse. In *The Times of India*.

*Devil*, progressive cosmopolitans and humanitarians built the framework for the conduct of the war on terror and have gone on to be enthusiastic supporters of the wars against Iraq and Afghanistan.<sup>35</sup> In their promotion of the “responsibility to protect” and the “humanitarian exception” as just causes for war in the 1990s, liberal scholars such as Michael Ignatieff, Anne-Marie Slaughter, Fernando Tesón, and Thomas Franck provided all the rationale that was necessary to present the war on terror as a just cause.<sup>36</sup> Moreover, their application of utilitarian calculations to the death and suffering of civilians in humanitarian wars created a space for thinking of Iraqis and Afghans as ‘undesired but unavoidable’ casualties in the attempt to create a virtuous, democratic world order.

But can we say, as many ‘progressives’ in the US now are,<sup>37</sup> that the aims of the war on terror are good, but the strategy is wrong? This takes us back to the second question that I posed at the beginning of this section: Would the formation of a global political order, encompassing ‘humanity’ in itself be a desirable development? Do we just need to work on better ways of achieving it? As all the preceding analysis indicates, I believe that extreme caution must be exercised when we think and talk about a common or global humanity. Here again the critique of Carl Schmitt in relation to humanitarian war is pertinent, insofar as the new legal moralism of liberal internationalists such as Woodrow Wilson would, according to Schmitt, lead to war without restraint. Hence:

To confiscate the word humanity, to invoke and monopolize such a term probably has certain incalculable effects, such as denying the enemy the quality of being human and

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<sup>35</sup> Smith, T. 2007. *A pact with the devil: Washington's bid for world supremacy and the betrayal of the american promise*. New York: Routledge.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

declaring him to be an *outlaw of humanity*; and war can thereby be driven to the most extreme inhumanity.<sup>38</sup>

Koskenniemi further summarises Schmitt's argument, with particular reference to the idea of a humanitarian war, in explaining that:

The humanitarian war becomes a war of annihilation (*Vernichtungskrieg*), a *global civil war* where the enemy does not have the dignity of a State and resistance will appear as "the illegal and immoral resistance of a few delinquents, troublemakers, pirates and gangsters."<sup>39</sup>

That this notion of the "outlaw" state and the related "responsibility to protect" has gained such traction through the works of John Rawls<sup>40</sup> and a variety of other cosmopolitan theorists is, therefore, of great concern. With the humanitarian war, we find that the possibilities for the extension and intensification of violence, rather than being minimal or 'surgical', are in fact increased.

This, in turn leads us back to the analysis of Agamben. Building on Schmitt's critique of the humanitarian war, we might say that the attempt to subsume global life under a singular vision of law and politics – to "administer life" in a biopolitical sense – must be understood and renegotiated. This means resisting the generation and exercise of a sovereign power that might act as an "anthropological machine," drawing boundaries in the undecideable threshold between man and animal and marking out those individuals or groups who may be killed in the service of historical

<sup>38</sup> Schmitt, C. 1996. *The concept of the political*. Translated from *Das Begriff der Politischen* [2nd Ed. 1934] ed. Cambridge, Mass. and London: MIT Press. Emphasis added.

<sup>39</sup> Koskenniemi, M. 2001. *The gentle civilizer of nations: The rise and fall of international law, 1870-1960*. Cambridge, UK: Cambridge University Press.  
<http://site.ebrary.com/lib/amherst/Doc?id=10023379>  
<http://proxy.mtholyoke.edu:2048/login?url=http://site.ebrary.com/lib/mtholyoke/Doc?id=10023379>  
<http://libproxy.smith.edu:2048/login?url=http://site.ebrary.com/lib/smithcollege/Doc?id=10023379>  
 Emphasis added.

<sup>40</sup> Rawls, J. 1999. *The law of peoples: With the "Idea of public reason" Revisited*. Cambridge, Mass.: Harvard University Press.

progress.<sup>41</sup> In this way, tens of thousands of Iraqis and Afghanis, as well as the thousands imprisoned in US bases such as Guantanamo Bay and Bagram, are reduced to the status of diseased cells on the global body, that may be tortured, studied, and eliminated without consequence.

An even more simple and direct warning of the dangers of global empire comes from the philosopher regarded by many as the founder of cosmopolitan thought, Immanuel Kant. While Kant is enthusiastic about the formation of a “federation of free states” in *Toward Perpetual Peace*, he argues that when the political body becomes too large, grave dangers lie in wait. Hence:

The idea of the right of nations presupposes the *separation* of many neighbouring states independent of one another; and though such condition is of itself a condition of war (unless a federative union of them prevents the outbreak of hostilities), this is nevertheless better, in accordance with the idea of reason, than the fusion of them by one power overgrowing the rest and passing into universal monarchy, since as the range of government expands laws progressively lose their vigor, and a soulless despotism, after it has destroyed the seed of good, finally deteriorates into anarchy.<sup>42</sup>

This is a vital point for cosmopolitans and globalists to keep in mind: while the world may appear to be ‘shrinking’ with advanced communication and transportation technologies, in reality people remain as diverse and divided as they ever were. The fact that the most powerful military force the world has ever known – with all its network-centric and rapid-strike capabilities – has been unable to control a decentralised insurgency in both Iraq and Afghanistan gives us a good indication as to how far we may be from global governance.

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<sup>41</sup> As Agamben argues, “In our culture, the decisive political conflict, which governs every other conflict, is that between the animality and the humanity of man. That is to say, in its origin Western politics is also biopolitics.” Agamben, G. 2004. *The open: Man and animal*. Stanford CA: Stanford University Press.

<sup>42</sup> Kant, I. 1999. *Toward perpetual peace*. In *Practical philosophy*. Cambridge, UK: Cambridge University Press.

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The culmination of this paper, in sum, is to suggest serious constraint and reconsideration of the terms of humanitarian war and the just war theory that has become inseparable from it. There does appear to be a determination on the part of many to push ahead with the forced democratisation of societies around the world, and it appears that the observance of *jus in bello* rules are helping to sustain and build on the calls for war for these purposes. While it may be simple to present such strategies as fast and precise surgical operations against cancerous cells, it is just as easy to respond that cancer surgery is anything but precise, that it leaves many patients close to death, and that it does not cure all. As the opening quote from Colin Powell states, “history has not been kind to this kind of war-making,” and no amount of revolutions, be they democratic or military, are likely to change that in the near future.

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